

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SHANNON D. YOUNG,)	
)	
Plaintiff,)	
)	No. 3:12-cv-0009
v.)	
)	Judge Sharp
REUBEN HODGE, et al.,)	Magistrate Judge Griffin
)	
Defendants.)	

ORDER

Pro se Plaintiff Shannon D. Young filed this civil action *in forma pauperis* on December 8, 2010, in the Western District of Tennessee¹ against Defendants Tennessee Department of Correction (“TDOC”) Assistant Commissioner Reuben Hodge, TDOC Internal Affairs officer Jason Woodall, former Riverbend Maximum Security Institution (“RMSI”) Warden Ricky J. Bell, RMSI Deputy Warden Mike Crutcher, RMSI “Captain” Davis, RMSI Administrative Lieutenant Thomas Vance, RMSI Health Administrator Desiree Andrews, RMSI Classification Coordinator Bill Smith, nurse Kim I/n/u (“Nurse Kim”), nurse practitioner Steve Cernawsky, and Correctional Medical Services, the medical service provider at RMSI.² Plaintiff seeks damages and declaratory relief for civil rights claims brought under 42 U.S.C. § 1983 and for state law claims brought pursuant to the Court’s supplemental jurisdiction under 28 U.S.C. § 1367. His action is based upon events occurring during his confinement at RMSI in 2009 and 2010.³

¹ The action was transferred to this District due to improper venue in the Western District by Order entered on January 4, 2012. *See* (Docket Entry No. 5).

² By Order entered on February 5, 2013, the claims against Defendants Andrews, Woodall, Smith, Hodge, Bell, Crutcher, and Correctional Medical Services were dismissed with prejudice. *See* (Docket Entry No. 95).

³ Plaintiff is an inmate of the TDOC currently confined at the West Tennessee State Prison (“WTSP”).

On February 18, 2013, Defendant Steve Cernawsky filed a motion for summary judgment. (Docket Entry No. 104). Defendants Thomas Vance and Ed Davis filed their motion for summary judgment on March 1, 2013. (Docket Entry No. 109). Plaintiff filed a response in opposition to Cernawsky's motion. (Docket Entry Nos. 134 and 136). No response was filed to the motion for summary judgment by Vance and Davis.

The Magistrate Judge entered a Report and Recommendation ("R & R") (Docket Entry No. 137) in this case on July 22, 2013, recommending the following:

1. the motion for summary judgment filed by Defendant Steve Cernawsky (Docket Entry No. 104) and the motion for summary judgment filed by Defendants Thomas Vance and Ed Davis (Docket Entry No. 109) be GRANTED;
2. Defendant "Nurse Kim" be DISMISSED pursuant to Rule 4(m) of the Federal Rules of Civil Procedure;⁴ and
3. the Court decline[s] to exercise supplemental jurisdiction over the Plaintiff's state law claim for assault and this claim be DISMISSED WITHOUT PREJUDICE.

(*Id.* at 13). Plaintiff filed a timely objection to the R & R on August 6, 2012. (Docket Entry No. 141).

Having considered the matter *de novo* in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge's recommended disposition.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 137) is hereby ACCEPTED and APPROVED, and Plaintiff's objections thereto (Docket Entry No. 141) are hereby OVERRULED;

⁴ Process was never served upon "Nurse Kim." Plaintiff has not shown good cause why process has not been served upon this Defendant in the last 17 months. *See (Id.* at 11).

(2) The *Motion for Summary Judgment* filed by Steve Cernawsky (Docket Entry No. 104) is hereby GRANTED;

(3) The *Motion for Summary Judgment on Behalf of Defendants Thomas Vance and Ed Davis* (Docket Entry No. 109) is hereby GRANTED;

(4) The claims against Defendants Steve Cernawsky, Thomas Vance, Ed Davis, and Nurse Kim are hereby DISMISSED WITH PREJUDICE; and

(5) The state law claim against Defendants Steve Cernawsky and Nurse Kim is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE